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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,442	10/23/2003	Wayne H. Whittaker	UNS-103-B	8021
7590		07/26/2007		
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			EXAMINER	
			GILBERT, WILLIAM V	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,442	Applicant(s) WHITTAKER ET AL.	
	Examiner William V. Gilbert	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 and 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a non-final action. Claims 1-20 are pending. Claims 4-6 and 10-16 are withdrawn. Claims 1-3, 7-9 and 17-20 are examined.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cristy (U.S. Patent No. 4,074,474).

Claim 1: Christy discloses an apparatus for leveling (Fig. 6) comprising a hollow rigid enclosure connectable to a machine foundation, the enclosure having an upper portion (180, 182) and a lower portion (142, 144, 150, 160, 183: the hollow enclosure is formed by the upper and lower portion which houses the support member 172 and space formed by cylinder 142 and bearing member 14), and means (70, 174, 184) for telescopically

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adjusting the upper and lower portions to provide for various sized of the enclosure to provide a leveling adjustment.

Claim 2: the telescopic means comprises the upper portion having at least one flange (182) having an aperture extending there through (proximate 184), the lower portion having an anchor ring (see Fig. 5: 183) with a rod (184) connected to thereto and extending through the aperture in the flange of the upper portion and a slip joint (184: the nut and bolt connection) connected to the flange of the upper portion for connecting the rod to the flange.

Claim 3: a bearing member (14) disposed within the enclosure and adjustably connected to the lower portion (through member 180 via 184: the adjustability is via the support member), and a support member (172) in contact with the bearing member (via portion 142) and engageable with the substructure (168, 12) for isolating the machine foundation from the substructure.

Claim 7: the support member is removably disposed between the bearing member (14) and substructure (168). The phrase "may be replaced with other support members" provides no structural limitation and the prior art of record is capable of meeting the limitation.

Claim 8: the support member (172) is an inflatable air bag.

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Claim 9: Cristy discloses an apparatus comprising a substantially hollow rigid enclosure connectable to a machine foundation, the enclosure has an upper portion (180, 182), and a lower portion (142, 144, 150, 160, 183: the hollow enclosure is formed by the upper and lower portion which houses the support member 172 and space formed by cylinder 142 and bearing member 14) telescopically connected to one another, a bearing member (14) within the enclosure and adjustable connected to the lower portion (through member 180 via 184: the adjustability is via the support member), and a support member (172) in contact with the bearing member and engageable with the substructure (168, 12) for isolating said machine foundation from the substructure.

Claim 17: the support member is adaptable to be removable between the bearing member and substructure and the support member is replaceable.

Claim 18: the support member is an inflatable air bag.

Claim 19: a conduit (174, 70) is coupled to and in communication with the air bag (172) and is communicable with a pressurized air source (Col. 5, lines 55-60).

Claim 20: the conduit extends through the substructure (12) and into the enclosure and communicates with the air bag.

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Response to Arguments

2. The following is in response to the Remarks/Arguments portion of the Applicant's response dated 11 June 2007.

The Terminal Disclaimer filed 26 April 2007 has been entered.

Applicant's clarification of the Claims 3, 9 and 19 (page 7 of the remarks) obviate the objection to the claims and the objection is withdrawn.

Applicant's arguments with respect to claims 1-3, 9 and 20 have been considered but are moot in view of the new ground(s) of rejection. See, however explanation below for certain arguments as the same prior art was used in the rejection.

Applicant's argument to Claim 7 is not persuasive because the phrase "may be replaced with other support members" is a statement of intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WVG

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20 July 07

[Signature]
Basil L. ...
PRIME/...
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7/20/07